

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Applicant acknowledges with appreciation the indication in the Office Action that claims 22, 23, and 26 are allowed.

Claims 24 and 27 stand rejected, under 35 USC §103(a), as being unpatentable over Elliott et al. (US 2004/0022237) in view of Chen et al. (US 2003/0202475), Berenbaum (US 2002/0097679), and Sarkar et al. (US 6,917,587). The Applicant respectfully traverses these rejections as follows.

Claim 24 defines:

*A base station apparatus that transmits a speech packet and a normal packet other than the speech packet on a packet channel, the base station apparatus comprising:  
a detecting section that detects a type of transmission packet; and  
a delay section that adds a transmission delay to the speech packet transmitted on the packet channel to degrade quality of the speech packet when the detected type shows the speech packet, and that does not add a transmission delay to the normal packet transmitted on the packet channel to maintain quality of the normal packet when the detected type shows the normal packet, wherein:*

*the detecting section detects the type based on a generation period of the transmission packet and detects the transmission packet generated in the generation period close to a speech packet encoding period, as the speech packet.*

The Office Action acknowledges that Elliott, Chen, and Berenbaum do not disclose the subject matter of detecting, as a speech packet, a transmission packet generated in a generation period close to a speech packet encoding period (see Office Action, section 19). To overcome this deficiency, the Office Action proposes that Sarkar discloses determining whether to continue a network call-session based on the detection of voice activity within RTP packets during a specific time interval (see section 20).

Although Sarkar may disclose monitoring voice activity within RTP packets over a period of time, as proposed in the Office Action, Sarkar discloses nothing regarding Applicant's claimed feature relating to time-proximity of encoding a speech packet and generating a transmission packet. Regardless of whether Sarkar's system detects RTP packet voice activity within close or far time-proximity of other RTP packet voice activity, such detection provides no indication of when the RTP packet was encoded or established as a transmission packet. Sarkar's voice activity detection only detects the period between voice activity as packets are communicated over a transmission medium and, thus, cannot provide any information regarding when the packet was created or encoded.

Although Sarkar discloses that information of a packet's creation time may be determined relative to a prompt issued by a call manager 14 to a user of a user device 28a (see Sarkar's Fig. 1 and col. 8, lines 35-46), the Office Action does not identify how such a system prompt could be integrated within the combined teachings of Elliott, Chen, and Berenbaum to achieve the Applicants' claimed subject matter. More specifically, the Office Action proposes that Berenbaum discloses detecting a speech packet when the periodicity of adjacent packets indicates a transmission rate of less than 100 kbps (i.e., 10  $\mu$ s between adjacent bits) (see Office Action section 13, last sentence, and section 15). However, the Office Action provides no indication as to how a call manager could communicate a prompt to a user and the user could respond all the while maintaining a periodicity of bits within adjacent packets such that a speech packet generated before the call manager's prompt is generated in such close time-proximity to a speech packet generated after the user responds to the prompt so as to maintain a 10  $\mu$ s period between

adjacent bits of the two packets (i.e., the last bit of the earlier packet and the first bit of the latter packet).

Simply stated, Sarkar's method of measuring the time period between issuing a user prompt and transmitting a user's response to the prompt does not provide a practicable mechanism for measuring a 10  $\mu$ s period between adjacent bits of distinct packets because a human cannot react to such a prompt within 10  $\mu$ s. The Office Action acknowledges that Sarkar discloses that a 3 to 5 second response time is more typical (see Office Action section 20). Thus, the Office Action's proposed modification of Berenbaum's speech detection system in light of Sarkar's teachings is impracticable and, as a result, no motivation exists to make the modification.

Accordingly, the Applicant submits that the teachings of Elliott, Chen, Berenbaum and Sarkar, even if combined as proposed in the Office Action, still would lack the above-noted subject matter of claim 24 and thus these references, considered individually or in combination, do not render obvious the subject matter defined by claim 24. Independent claim 27 similarly recites the above-mentioned subject matter distinguishing apparatus claim 24 from the applied references, but does so with respect to a method. Therefore, allowance of claims 24 and 27 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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